

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATHRYN L. NOLAN, *et al.*,

Plaintiffs, : Case No. 2:19-cv-3963

**v. Judge Sarah D. Morrison
VILLAGE OF CHESTERHILL, Magistrate Judge Elizabeth P. Deavers**

***et al.,* :**

Defendants.

ORDER

This matter is before the Court on the Order of the Magistrate Judge dated April 22, 2020 (“Order”). (ECF No. 26). In that Order, the Magistrate Judge recommended that the Court dismiss this action as to Defendant Ereuss without prejudice pursuant to Rule 4(m) for failure to timely effect service of process of the Complaint.

Plaintiffs objected to the Order on May 7, 2020, arguing that Defendant Ereuss has been avoiding this suit and/or ignoring the summons and that Defendant Ereuss should be kept as part of this action. (ECF No. 28). The summons directed to Defendant Ereuss was returned unexecuted on April 21, 2020. (ECF No. 25). The record does not reflect any other efforts to effectuate service on Defendant Ereuss and there has been no request for an extension of time under Federal Rule of Civil Procedure 4(m).

Accordingly, the Court **ADOPTS** the Order (ECF No. 26) and Plaintiffs’ objections (ECF No. 28) are **OVERRULED**. Defendant Ereuss is hereby **DISMISSED WITHOUT PREJUDICE** for failure to timely effect service of process.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE